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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,182	02/18/2004	Paul Fellingham	2003-0031	4550
26652	7590	08/15/2005	EXAMINER	
AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			SING, SIMON P	
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DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/782,182	<b>Applicant(s)</b> FELLINGHAM ET AL.	
	<b>Examiner</b> Simon Sing	<b>Art Unit</b> 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/18/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2 and 3 are objected to because of the following informalities: "the network switch" is recited in line 1, however, it is confusing which network switch it is referred to since claim 1 recites "a network switch" in line 3 and line 7. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are for linking the performing step with the transmitting step, and linking the transmitting step with the playing step. Examiner suggests amending the transmitting step as: "transmitting, based on said lookup query, an announcement indication to an announcement frame", and the playing step as: "playing, based on said announcement indication, a particular announcement, if any, to the called party when the calling party has disconnected from the call".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 15-18 and 21-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Espejo et al. US 6,728,353.

3.1 Regarding claim 1, Espeso discloses a system for providing post-call announcement to a called party in figure 2, comprising:

a network (wireless network 202) for routing a call to a called party and playing a post-call announcement to the called party (column 6, lines 1-21; column 13, lines 19-30; column 14, lines 22-38, 44-46);

a database storing information for use in determine whether a post-call announcement is to be played to the called party upon termination of the call (column 13, lines 19-48; column 14, lines 12-48); and

means (IP 206) to couple to the network for transmitting the all and the post-call announcement to the called party (column 6, lines 58-64).

3.2 Regarding claim 2, Espejo teaches that the wireless network includes a frame for playing the post-call announcement to the called party (column 6, lines 58-64; column 13, lines 31-48).

3.3 Regarding claim 3, Espejo teaches forwarding the called party's information to the database (column 13, lines 31-48).

3.4 Regarding claim 4, Espejo teaches determining whether to play a post-call announcement to the called party's information to the database (column 13, lines 39-48; column 14, lines 22-48).

3.5 Regarding claim 5, Espejo teaches returning an indication, such as every 5 and 10 call, of a particular post-call announcement is to be played (column 13, lines 31-38; column 14, lines 39-48).

3.6 Regarding claim 15, Espejo discloses a method for playing a post-call announcement to a called party, comprising the steps of:

receiving a call request from a calling party to a called party (column 6, lines 1-21);

passing call attribute information to a database (column 13, lines 19-30);

performing a look-up query at the database based on the call attribute (column 19-248; column 14, lines 23-48; column 15, lines 27-39);

transmitting an announcement indication to an announcement frame (IP 206)  
(column 14, lines 44-48);  
routing a call to a called party (column 14, lines 27-31);  
determining whether the calling party has disconnected from the call (column 14,  
lines 27-31, 44-48); and  
playing a particular post-announcement to the call party when the calling party  
has disconnected from the call (column 14, lines 27-38, 44-48).

3.7 Regarding claim 16, it is inherent that when a calling party has disconnected, billing to the calling party is stopped since the calling party no longer uses a telecommunication system' resources, and the called party is also disconnected after playing the post-call announcement because the call has already been terminated.

3.8 Regarding claim 17, as discussed in claim 15, the steps are performed in listed order.

3.9 Regarding claim 18, the step of routing the call to the called party and the step of passing the call attribute to a data inherently can be performed in parallel because these two steps are performed independently (they are not linked to each other).

3.10 Regarding claim 20, Espejo teaches playing a post-call announcement to a called party, and it is inherent that the announcement is played with its entirety if the called party stays on the line.

3.11 Regarding claim 21, it is inherent that the IP 206 can be located within the switching system 202.

3.12 Regarding claim 22 and 23, Espejo teaches calling information including calling party's number and dialed (called) number (column 7, lines 1-13)

3.13 Regarding claim 24-27, Espejo teaches using a customer's number for looking up the customer's account information for determining a post-call announcement, it is inherent that other call information, such as carrier identification code, trunk group characteristics and originating line information can also be sent to the data since they are not used for determining the post-call announcement (the performing step is tied to playing step in claim 15).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Espejo et al. US 6,728,353 in view of Choi US 6,725,063.

4.1 Regarding claim 6, Espeso discloses a system for providing post-call announcement to a called party in figure 2, comprising:

a database for storing information for use in determine whether a post-call announcement is to be played to the called party upon termination of a call (column 13, lines 19-48; column 14, lines 12-48);

an announcement frame (IP 206) for playing a particular post-call announcement to the called party (column 6, lines 58-64), and

wherein, the database returns an announcement to the announcement frame indicating the particular post-call announcement to be played to the called party (column 6, lines 58-64; column 13, lines 19-48; column 14, lines 12-48).

Espejo teaches various announcements, such as the account balance, cost of a call and account expiration date (column 13, lines 19-30, 39-48; column 9, lines 34-42) to be played the called party, but fails to teach that an announcement is retrieved based on it announcement number.

However, Choi discloses an announcement apparatus in figure 1. Choi teaches that an announcement number corresponds to an announcement to be sent to a user (column 1, lines 22-33; column 10, lines 5-9).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Espejo's reference, with the teaching of Choi, so that the system would have played a particular post-call announcement identified by an announcement number, because such a modification would have clarified the teaching of Espejo of how to identify a particular announcement.

4.2 Regarding claim 7, it is inherent that the database maintains a communication connection with the announcement frame to enable an announcement or an announcement number is returned to the announcement frame.

4.3 Regarding claim 8, it is inherent that the IP can be located within the switching system 202.

4.4 Regarding claim 9, Espejo teaches playing a post-call announcement to a user every time a call is received, or once every five calls (null number between five calls) (column 14, lines 44-48).

4.5 Regarding claim 12, it is inherent that when the user (called party who received an incoming call) hangs up during an announcement play, the database is notified that the announcement is interrupted.

4.6 Regarding claim 13, as discussed in claim 12, the database receives an indication that the announcement is interrupted (called party is not connected for the duration of the announcement).

4.7 Regarding claim 14, Espejo teaches playing a post-call announcement to a called party, and it is inherent that the announcement is played with its entirety if the called party stays on the line.

5. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Espejo et al. US 6,728,353 in view of Choi US 6,725,063 and further in view of Bates et al. US 6,631,181.

The modified Espejo reference, teaches playing a particular post-call announcement to the called party, but fails to teach playing the particular post-call announcement only a certain number of times based on a given set of criteria.

However, Bates discloses a system for playing a specific message only at a predetermined times to a calling party based on the calling party's identification and time of call (column 6, lines 43-60; column 10, claim 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Espejo's reference, which was modified by Choi, with the teaching of Bates, so that the system would have played a particular post-call announcement only a predetermined number of times based on a

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predetermined criteria, because a particular announcement, such as account balance fell below a preset level, would have only required to be played a certain number of times for the user to re-charge his/her account before the balance fell to zero (account closed).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Espejo et al. US 6,728,353 in view of Bates et al. US 6,631,181.

Espejo teaches playing a particular post-call announcement to the called party, but fails to teach playing the particular post-call announcement only a certain number of times based on a given set of criteria.

However, Bates discloses a system for playing a specific message only at a predetermined times to a calling party based on the calling party's identification and time of call (column 6, lines 43-60; column 10, claim 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Espejo's reference with the teaching of Bates, so that the system would have played a particular post-call announcement only a predetermined number of times based on a predetermined criteria, because a particular announcement, such as account balance fell below a preset level, would have only required to be played a certain number of times for the user to re-charge his/her account before the balance fell to zero (account closed).

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US 6,751,787 (Blaszczak et al.) discloses a method and system for playing announcement to a caller and to a called party.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

07/29/2005



FAN TSANG  
Supervisory PATENT EXAMINER  
Technology CENTER 2600